

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 601

97TH GENERAL ASSEMBLY

1340H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 392.415 and 392.461, RSMo, and to enact in lieu thereof three new sections relating to broadband and communications deployment.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 392.415 and 392.461, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 392.415, 392.461, and 392.611, to read as
3 follows:

392.415. 1. Upon request, a telecommunications carrier or commercial mobile service
2 provider as identified in 47 U.S.C. Section 332(d)(1) and 47 CFR Parts 22 or 24 shall provide
3 call location information concerning the user of a telecommunications service or a wireless
4 communications service, in an emergency situation, to a law enforcement official or agency in
5 order to respond to a call for emergency service by a subscriber, customer, or user of such
6 service, or to provide caller location information (or do a ping locate) in an emergency situation
7 that involves danger of death or serious physical injury to any person where disclosure of
8 communications relating to the emergency is required without delay.

9 2. No cause of action shall lie in any court of law against any telecommunications carrier
10 or telecommunications service or commercial mobile service provider, or [against any
11 telecommunications service or wireless communications] **other provider of communications-**
12 **related** service, or its officers, employees, agents, or other specified persons, for providing any
13 information, facilities, or assistance to a law enforcement official or agency [in accordance with
14 the terms of this section] **in response to requests made under the circumstances of subsection**
15 **1 or for providing such information, facilities, or assistance through any plan or system**
16 **required by sections 190.300 to 190.340.** Notwithstanding any other provision of law, nothing

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 in this section prohibits a telecommunications carrier, [or] commercial mobile service provider,
18 **or other provider of communications-related service** from establishing protocols by which
19 such carrier or provider could voluntarily disclose call location information.

392.461. A telecommunications company may, upon written notice to the commission,
2 elect to be exempt from certain retail rules relating to:

3 (1) The provision of telecommunications service to retail customers and established by
4 the commission which include provisions already mandated by the Federal Communications
5 Commission, including but not limited to federal rules regarding customer proprietary network
6 information, verification of orders for changing telecommunications service providers
7 (slamming), submission or inclusion of charges on customer bills (cramming); or

8 (2) The installation, provisioning, or termination of retail service.
9

10 Notwithstanding any other provision of this section, a telecommunications company shall not
11 be exempt from any commission rule established under authority delegated to the state
12 commission pursuant to federal statute, rule or order, including but not limited to universal
13 service funds, number pooling and conservation efforts, or any authority delegated to the state
14 commission to facilitate or enforce any interconnection obligation or other intercarrier issue,
15 including but not limited to, intercarrier compensation, network configuration or other such
16 matters. Notwithstanding other provisions of this chapter or chapter 386, a telecommunications
17 company may, upon written notice to the commission, elect to be exempt from any requirement
18 to file or maintain with the commission any tariff or schedule of rates, rentals, charges,
19 privileges, facilities, rules, regulations, or forms of contract, **whether in whole or in part**, for
20 telecommunications services offered or provided to residential or business retail end user
21 customers and instead shall publish generally available retail prices for those services available
22 to the public by posting such prices on a publicly accessible website. **A telecommunications**
23 **company may include in a tariff filed with the commission any, all, or none of the rates,**
24 **terms, or conditions for any, all, or none of its retail telecommunications services.** Nothing
25 in this section shall affect the rights and obligations of any entity, including the commission,
26 established pursuant to federal law, including 47 U.S.C. Sections 251 and 252, any state law,
27 rule, regulation, or order related to wholesale rights and obligations, or any tariff or schedule that
28 is filed with and maintained by the commission.

392.611. 1. A telecommunications company certified under this chapter or holding
2 **a state charter authorizing it to engage in the telephone business shall not be subject to any**
3 **statute in chapter 386 or this chapter (nor any rule promulgated or order issued under**
4 **such chapters) that imposes duties, obligations, conditions, or regulations on retail**
5 **telecommunications services provided to end user customers, except to the extent it elects**
6 **to remain subject to certain statutes, rules, or orders by notification to the commission.**

7 Telecommunications companies shall remain subject to general, nontelecommunications-
8 specific statutory provisions other than those in chapters 386 and this chapter to the extent
9 applicable. Telecommunications companies shall:

10 (1) Collect from their end users the universal service fund surcharge in the same
11 competitively neutral manner as other telecommunications companies and interconnected
12 voice over internet protocol service providers, remit such collected surcharge to the
13 universal service fund administrator, and receive, as appropriate, funds disbursed from
14 the universal service fund, which may be used to support the provision of local voice
15 service;

16 (2) Report to the commission such intrastate telecommunications service revenues
17 as are necessary to calculate the commission assessment, universal service fund surcharge,
18 and telecommunications programs under section 209.255; and

19 (3) Continue to comply with the provisions of section 392.415 pertaining to the
20 provision of location information in emergency situations.

21 2. Broadband and other Internet protocol-enabled services shall not be subject to
22 regulation under chapter 386 or this chapter, except that interconnected voice over
23 Internet protocol service shall continue to be subject to section 392.550. Nothing in this
24 subsection extends, modifies, or restricts the provisions of subsection 3 of section 392.611.
25 As used in this subsection, "other internet protocol-enabled services" means any services,
26 capabilities, functionalities, or applications using existing internet protocol, or any
27 successor internet protocol, that enable an end user to send or receive a communication in
28 existing internet protocol format, or any successor internet protocol format, regardless of
29 whether the communication is voice, data, or video.

30 3. Notwithstanding any other provision of this section, a telecommunications
31 company shall not be exempt from any commission rule established under authority
32 delegated to the state commission under federal statute, rule, or order, including but not
33 limited to universal service funds, number pooling, and conservation efforts.
34 Notwithstanding any other provision of this section, nothing in this section extends,
35 modifies, or restricts any authority delegated to the state commission under federal statute,
36 rule, or order to require, facilitate, or enforce any interconnection obligation or other
37 intercarrier issue including, but not limited to, intercarrier compensation, network
38 configuration or other such matters. Notwithstanding any other provision of this section,
39 nothing in this section extends, modifies, or restricts any authority the commission may
40 have arising under state law relating to interconnection obligations or other intercarrier
41 issue including, but not limited to, intercarrier compensation, network configuration, or
42 other such matters.

43 **4. After August 28, 2013, telecommunications companies seeking to provide**
44 **telecommunications service may, in lieu of the process and requirements for certification**
45 **set out in other sections, elect to obtain certification by following the same registration**
46 **process set out in subsection 3 of section 392.550, substituting telecommunications service**
47 **for interconnected voice over internet protocol service in the requirements specified in**
48 **subdivisions (1) to (8) of subsection 3 of section 392.550.**

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